

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EIS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 19-1227 (GBW)
)	
INTIHEALTH GER GMBH,)	
WOW TECH USA, LTD.,)	
WOW TECH CANADA, LTD. and)	
NOVOLUTO GMBH,)	
)	
Defendants.)	
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NOVOLUTO GMBH,)	
)	
Counterclaimant,)	
)	
v.)	
)	
EIS, INC., EIS GMBH,)	
TRIPLE A IMPORT GMBH,)	
and TRIPLE A MARKETING GMBH,)	
)	
Counterclaim Defendants.)	

**PLAINTIFF AND COUNTERCLAIM-DEFENDANTS' MOTION TO STRIKE
UNTIMELY DOCTRINE OF EQUIVALENTS ALLEGATIONS**

Pursuant to Paragraph 4 of the Scheduling Order (D.I. 288), Plaintiff EIS Inc. and Counterclaim-Defendants EIS GmbH, Triple A Import GmbH, and Triple A Marketing GmbH (collectively, "EIS") move to strike a new theory of infringement under the Doctrine of Equivalents ("DOE") that Defendant and Counterclaimant Novoluto GmbH ("Novoluto") disclosed for the first time during expert discovery. The grounds for this motion are set forth in EIS's Letter Brief submitted herewith.

Pursuant to D. Del. LR 7.1.1, counsel for EIS has conferred with Novoluto's counsel who indicated that Novoluto will oppose this Motion.

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/s/ Jack B. Blumenfeld

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Import GmbH, and Triple A Marketing GmbH*

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 6, 2023, upon the following in the manner indicated:

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